

AO 91 (Rev. 08/09) Criminal Complaint

AUSA: Mark Marshall

FILED

UNITED STATES DISTRICT COURT

for the

Western District of Texas

2011 APR 15 PM 1:22

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXASBY XF
DEPUTYUnited States of America
v.
Guillermo Medina-Hernandez
Leonarda Torres Pineda

Case No.

A-11-M-287

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 14, 2011 in the county of Travis in the
Western District of Texas, the defendant(s) violated:

Code Section

Title 31, Section 5332 (a) (1)

Offense Description

Whoever, with the intent to evade a currency reporting requirement under section 5316, knowingly conceals more than \$10,000 in currency or other monetary instruments on the person of such individual or in any conveyance, articles of luggage, merchandise, or other container, and transports or transfer or attempts to transport or transfer such currency or monetary instruments from a place within the United States to a place outside of the United States, or from a place outside of the United States to a place within the United States, shall be guilty of a currency smuggling offense and subject to punishment pursuant to sub-section (b).

This criminal complaint is based on these facts:

SEE AFFIDAVIT

☒ Continued on the attached sheet.Elizabeth Chapman
Complainant's signatureElizabeth Chapman, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date:

4/15/2011Andrew W. Austin
Judge's signature

City and state:

Austin, TexasAndrew W. Austin
Printed name and title

Affidavit

On 04/14/2011 at approximately 06:24 p.m. Austin Police Drug interdiction Officer Roque Martinez was conducting traffic enforcement in the area of 11800 S. IH 35 southbound, when he clocked a tan 2003 Chevy Suburban with Mexican license plates, traveling at speeds between 55-65 mph in a 70 mph speed limit zone, well below the rate traffic flow. Officer Martinez continued to watch the Suburban, believing its speed to be unsafe, but did not initiate a traffic stop until he observed the slower moving Suburban nearly causing a rear end collision due to its slow speed and impeding traffic. Upon stopping the Suburban, Officer Martinez identified the passengers as: Guillermo Medina-Sernandez, Leonarda Torres-Pineda and Marisela Medina-Torres. Officer Martinez interviewed the driver, Medina, and the front passenger, Torres separately. The two gave conflicting stories for the purpose of their travel. Officer Martinez, who is trained in highway drug interdiction, then conducted a K-9 "sniff" of the Suburban. Officer Martinez's narcotic trained K-9 "Tomi", alerted on the odor of narcotics coming from the interior of the Suburban. A subsequent search of the Suburban uncovered a post market hidden compartment, which ran underneath both the driver's and passenger's seats. Upon inspecting the hidden compartment, Officer Martinez saw several bundles of U.S. currency contained within the hidden compartment. Upon further inspection of the hidden compartment, it was found to contain \$224,805 of U.S. Currency, which was bundled in plastic wrap. The wraps bundles were attached to a string by the smugglers, which were indented to assist in the removal of the bundles from the hidden compartment.

On April 14, 2011, IRS-CID Special Agent John Cornelius and by Austin Police Department Detective Lisa Morrill interviewed Guillermo Medina-Hernandez. Medina had previously been "Mirandized" in Spanish by Detective Morrill. The following is a summary of Medina's statement. Medina-Hernandez is a citizen of Mexico and resides in Peidras Negras, Mexico. He and his common-law wife, Leonarda Torres-Pineda, own a family business that distributes Herb-A-Life products in Mexico. Approximately 10-15 days ago or in early April 2011, Medina was introduced to an individual in Mexico he only knows as "Guicho". Guicho offered Medina \$3,000 to drive a Suburban from Peidras Negras, Mexico to Austin, Texas and back to Peidras Negras. Medina understood from his discussion with Guicho that he was picking up money from Austin, Texas to be delivered to Guicho in Peidras Negras. Medina discussed the offer with his wife Leonarda Torres-Pineda, who was also introduced to Guicho, and they both agreed to the offer.

On the morning of April 14, 2011, Medina met with Guicho in Piedras Negras, Mexico where he accepted the keys to a tan Suburban. Guicho gave Medina a mobile telephone and \$400 in U.S. currency for gas and expenses. Guicho instructed Medina to drive to Austin and wait near the area near the Dell Children's Hospital (51st Street and IH35). Guicho explained that once Medina was in Austin, he would be contacted by a man who would take the keys and Suburban. Medina followed these instructions and he, his wife, and seventeen year old daughter crossed into the U.S. and traveled to Austin.

Once in Austin, Medina parked the Suburban at a shopping center near the Dell Children's Hospital and waited for a telephone call. Soon thereafter, Medina received a mobile telephone call from a man that he did not know. Medina met the man in the shopping center parking lot where he delivered the keys

to the Suburban. The man took the car and was gone for approximately 1 ½ hours. The man returned the vehicle to Medina in the same shopping center parking lot. As previously instructed, Medina and Torres-Pineda and their daughter began their return directly back to Piedras Negras, Mexico. Medina and Torres-Hernandez understood that they were smuggling a large amount of currency, which was concealed in the Suburban.